



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3123

OFFICE OF THE REGIONAL  
ADMINISTRATOR

**SEP 12 2018**

The Honorable Nate Taylor  
Chairman of the Makah Tribal Council  
81 Resort Drive  
Neah Bay, Washington 98357

Re: Invitation for Consultation and Coordination on EPA's Review and Anticipated Approval of the  
2018 Puget Sound Action Agenda Update

Dear Chairman Taylor:

The U.S. Environmental Protection Agency is inviting consultation and coordination to federally-recognized tribal governments on the EPA's review and consideration of approving the 2018 Puget Sound Action Agenda Update ("2018 Action Agenda"). The public and partner review draft can be found at: [http://www.psp.wa.gov/2018\\_AA\\_announcements.php](http://www.psp.wa.gov/2018_AA_announcements.php)

**Background on the 2018 Action Agenda**

The Puget Sound Action Agenda serves as the Comprehensive Conservation and Management Plan (CCMP) required for "estuaries of national significance" under Section 320 of the Clean Water Act. It is intended to serve as the region's shared vision for Puget Sound protection and recovery. It identifies key ongoing programs, local priority actions for the various areas of the Sound, and specific actions that must be implemented over the next four years to stay on track toward protection and recovery objectives for the greater Puget Sound ecosystem. The Action Agenda results from a collaboration by state and federal agencies, tribal governments, local governments, business and environmental groups, and many others. We truly appreciate the contributions of both tribal staff and leadership in the development of both the overall Puget Sound National Estuary Program and this latest draft of the Action Agenda. The Puget Sound Leadership Council will adopt the entire 2018 Action Agenda prior to submitting it to the EPA for final federal approval. As required by the Clean Water Act, the EPA must review and approve, conditionally approve, or disapprove the CCMP. The EPA National Estuary Program (NEP) provides specific CCMP revision and update guidelines against which the EPA reviews CCMPs. Both regional and HQ NEP staff will participate in the review process with the region taking lead responsibility for the approval recommendation.

The Puget Sound Partnership released the public and partner review draft of the 2018 Puget Sound Action Agenda on Friday, August 31<sup>st</sup>. Public and partner comments are due back to the Puget Sound Partnership by October 15, 2018, and Partnership staff will then begin working to address comments received. The Leadership Council is expected to adopt the proposed 2018 Action Agenda Update at their December 4-5<sup>th</sup> meeting. If adopted at this meeting, it will then be forwarded to the EPA for final approval, which is the federal action on which the EPA is inviting the Puget Sound Tribes to consult.

## **Coordination To-Date with Tribes on the 2018 Action Agenda Update Process**

It is important to recognize the strong history of tribal engagement to date in the development of the 2018 Action Agenda update. Some key ways in which tribes have participated include:

- Tribal leadership representation on the Ecosystem Coordination Board and Leadership Council
- Tribal technical and policy staff representation on LIOs.
- Tribal technical and policy staff engagement with the Strategic Initiative Teams (SITs), Strategic Initiative Advisory Teams (SIATs) and the Interdisciplinary Development Teams (IDTs) for building Vital Sign-specific Implementation Strategies.
- Meetings held by the Puget Sound Partnership for Puget Sound tribes to engage in the 2018 Action Agenda update process.
- The EPA funding of each individual Puget Sound tribe and tribal consortia for the capacity to engage in the Puget Sound Management Conference, including in the 2018 Action Agenda update process.
- Tribal participation on the Action Agenda Coordination Group, hosted by the Puget Sound Partnership.
- The EPA funding of NWIFC capacity to staff the Tribal Management Conference and other Puget Sound NEP Management Conference forums to foster tribal engagement in Management Conference activities.

## **Proposed Next Steps for Tribal Coordination on Review of the 2018 Action Agenda Update Process**

It is our sincere desire to provide for continued meaningful and constructive tribal coordination activities as we approach our action so that our action may be most fully informed by this coordination. To this end, we would like to suggest and offer the following additional coordination activities:

- The EPA would like to urge tribes to participate in the public and partner review of the Action Agenda and to share your comments with both the Partnership and EPA within the State's formal comment timeframe (as noted earlier, comments are due October 15). If there is interest, the EPA can also offer a webinar for tribes, and/or provide a summary and links, to the EPA's national program guidance on CCMP review and approval/disapproval. This would lay out for tribes what the basis for our decisions – and indeed, what a CCMP is supposed to look like.
- In early November of 2018, the EPA and the Partnership would like to host a workshop with tribal representatives to discuss how tribal comments are to be addressed in finalizing the 2018 Action Agenda.

Please let us know if the latter two activities would be of interest to you.

## **Government-to-Government Consultation**

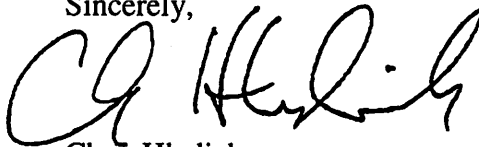
The EPA recognizes its unique relationship and trust responsibility with tribal governments as set forth in the United States Constitution, treaties, statutes, executive orders, and court decisions. The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. This consultation and coordination

process will be conducted in accordance with the *EPA Region 10 Tribal Consultation and Coordination Procedures* (<https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100FFEY.txt>).

The EPA invites tribal governments to provide input during our review of the draft 2018 Action Agenda, and/or seek government-to-government consultation with the EPA on our review and anticipated approval of the draft 2018 Action Agenda.

If you have questions or concerns regarding this letter, or if your tribal government would like to consult with the EPA on this action, please feel free to call me at (206) 553-1234, or have your staff contact Lisa Chang of my staff at (206) 553-0226, or via email at [chang.lisa@epa.gov](mailto:chang.lisa@epa.gov). **Tribal requests for government-to-government consultation on our anticipated action would need to be received by the EPA no later than Thursday, December 13, 2018.**

Sincerely,

A handwritten signature in black ink, appearing to read "CH Hladick", written over a horizontal line.

Chris Hladick  
Regional Administrator

cc: Puget Sound Tribal Staff (*via electronic transmission*)  
Northwest Indian Fish Commission (*via electronic transmission*)